

EDWARD H. KUBO, JR. 2499  
United States Attorney  
District of Hawaii

HARRY YEE 3790  
Assistant U.S. Attorney  
Room 6-100, PJKK Federal Building  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850-6100  
Telephone: (808) 541-2850  
Facsimile: (808) 541-3752  
E-mail: Harry.Yee@usdoj.gov

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ANDREW LOPEZ,	)	CIVIL NO. 03-00011 DAE LEK
	)	
Plaintiff,	)	DEFENDANT'S MOTION FOR PARTIAL
	)	DISMISSAL
vs.	)	
	)	
JOHN ASHCROFT, in his	)	
capacity as the Attorney	)	
General,	)	
	)	
Defendant.	)	
_____	)	

DEFENDANT'S MOTION FOR PARTIAL DISMISSAL

Pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Alberto R. Gonzales, the Attorney General of the United States (substituting for former Attorney General John Ashcroft), by and through the undersigned United States Attorney, moves this Court to dismiss on plaintiff's allegations that defendant's employees discriminated against plaintiff on the basis of his race, national origin, and creating a hostile work environment in retaliation for plaintiff's two formal EEO claims.

The grounds for this motion are set forth in the attached memorandum in support.

DATED: January 17, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

/s/ Harry Yee

By \_\_\_\_\_  
HARRY YEE  
Assistant U.S. Attorney  
Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ANDREW LOPEZ,	)	CIVIL NO. 03-00011 DAE LEK
	)	
Plaintiff,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
JOHN ASHCROFT, in his	)	
capacity as the Attorney	)	
General,	)	
	)	
Defendant.	)	
_____	)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

Clayton C. Ikei, Esq.	<a href="mailto:CCIOffice@hawaii.rr.com">CCIOffice@hawaii.rr.com</a>
1440 Kapiolani Blvd., Suite 1203	
Honolulu, HI 96814	January 17, 2006

Served by First Class Mail:

Jerry P.S. Chang, Esq.	
1440 Kapiolani Blvd., Suite 1203	
Honolulu, Hawaii 96814	January 17, 2006

Attorneys for Plaintiff  
Andrew Lopez

DATED: January 17, 2006, at Honolulu, Hawaii.

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